

ANNUAL SURVEY OF  
FOREIGN DIRECT INVESTMENT IN  
THE UNITED STATES – 2004

CLAIM FOR EXEMPTION FROM FILING  
FORM BE-15(LF), BE-15(SF), or BE-15(EZ)

BEA USE ONLY	Control number	
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Public reporting burden for this claim for exemption is estimated to vary from 20 to 75 minutes per response, with an average of 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230, and to the Office of Management and Budget, Paperwork Reduction Project 0608-0034, Washington, DC 20503.

IDENTIFICATION OF U.S. AFFILIATE

A. Name and address of U.S. business enterprise for which this claim is filed – If the enterprise received a prelabeled Form BE-15(LF), BE-15(SF), or BE-15(EZ), but is exempt from filing those forms, enter the name, address, and BEA Identification Number from the label affixed to Part I, item 1 of that form. If a prelabeled form was not received, enter full name and address.

Name of U.S. affiliate

10020

c/o (care of)

10100

Street or P.O. Box

10030

City and State

10040

ZIP Code

10050

Foreign Postal Code

0

B. Enter Employer Identification Number(s) used by the U.S. business enterprise to file income and payroll taxes.

Primary

10061 –

Other

2 –

BASIS OF CLAIM FOR EXEMPTION

Complete item 1 below or item 2 (on back), whichever is applicable.

1. 1 0100 If item 1 is applicable, complete ALL items (1.a. through 1.h.) below

The U.S. business enterprise was a U.S. affiliate of a foreign person at the end of its fiscal year that ended in calendar year 2004, but is exempt from filing Form BE-15(LF), BE-15(SF), or BE-15(EZ) because, on a fully consolidated, or in the case of real estate investments, an aggregated basis, each of the following three items for the U.S. affiliate (not just the foreign parent's share) did not exceed \$30 million (positive or negative) at the end of, or for, its fiscal year that ended in calendar year 2004:

• Total assets (do not net liabilities)

• Sales or gross operating revenues, excluding sales taxes, and

• Net income (loss) for FY 2004, after provision for U.S. Federal, State, and local income taxes

		Amount			
		Bil.	Mil.	Thous.	Dols.
1					
a. Total assets at close FY 2004 – Do not net liabilities	2109	\$			
b. Sales or gross operating revenues for FY 2004, excluding sales taxes — Do not give gross margin.	2149	1			
c. Net income (loss) for FY 2004, after provision for U.S. Federal, State, and local income taxes	2159	1			

d. Country of foreign parent

30161

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e. Country of ultimate beneficial owner (UBO) — See page 2 for definition of UBO.

30221

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f. Total liabilities

Amount

Bil. Mil. Thous. Dols.

1

2114\$

13 Please check box if total liabilities are zero.

g. Major product(s) or service(s) of fully consolidated domestic U.S. affiliate – Briefly describe the major product(s) and/or service(s) of the U.S. affiliate. If a product, also state what is done to it, i.e., whether it is mined, manufactured, sold at wholesale, transported, packaged, etc. (For example, "manufacture widgets.")

0

1163

h. Industry of this affiliate – Enter the 4-digit International Surveys Industry (ISI) code of the industry with the largest sales or gross operating revenues. For a full explanation of each code, see the Guide to Industry and Foreign Trade Classifications for International Surveys, 2002.

ISI Code

1

1164

CERTIFICATION — The undersigned official certifies that this report has been prepared in accordance with the applicable instructions, is complete, and is substantially accurate except that estimates may have been provided where data are not available from customary accounting records or precise data could not be obtained without undue burden.

Authorized official's signature

Date

Print or type name and title

Telephone number

FAX number

May we use e-mail to correspond with you to discuss questions relating to this Form BE-15 Supplement C, including questions that may contain information about your company that you may consider confidential? (Note that electronic mail is not inherently confidential; we will treat information we receive as confidential, but your e-mail is not necessarily secure against interception by a third party.)

10271

1 Yes — If yes, please provide your e-mail address. →

E-mail address

0

1028

12 No

IMPORTANT

Who must respond? See "response required" on page 2.

Definitions of key terms – See page 2.

Which Sections to Complete? If you are required to respond, complete items A, B, Person to Consult Concerning Questions About This Report, and Certification on page 1. Also, please review the questions below to determine if additional information is required.

I Were at least 10 percent of the voting rights in your business directly or indirectly owned by a foreign person at the end of your 2004 fiscal year?

Yes – Continue with question II below. Note: Your business is hereinafter referred to as a "U.S. affiliate."

No – Skip item 1 on page 1. Complete item 2(a) or (c) or (d) or (e) on page 2.

II Is this U.S. affiliate a bank or bank holding company?

Yes – Complete item 2(e) on page 2 and specify that the affiliate is a bank or bank holding company.

No – Continue with question III below.

III Were more than 50 percent of the voting rights in this U.S. affiliate owned by another U.S. affiliate at the end of this U.S. affiliate's 2004 fiscal year?

Yes –Continue with question IV below.

No – Skip to question V below.

IV Will the data for this U.S. affiliate be fully consolidated into the 2004 BE-15 report filed for another U.S. affiliate that owns more than 50 percent of the voting rights (directly or indirectly) of this U.S. affiliate?

Yes – Complete item 2b on page 2.

No – Contact BEA for guidance. See "assistance" below.

V Did any one of the items – Total assets, Sales or gross operating revenues, or Net income (loss) – for the U.S. affiliate (not just the foreign parent's share) exceed \$30 million at the end of, or for, its 2004 fiscal year?

Yes – You are not eligible to file Form BE-15 Supplement C and must file either a Form BE-15(LF), BE-15(SF), or BE-15(EZ).

No – Complete items 1a through 1h on page 1. Do NOT complete item 2 on page 2.

**U.S. AFFILIATE'S 2004 FISCAL YEAR** – The affiliate's financial reporting year that had an ending date in calendar year 2004.

**Assistance** – E-mail: be12/15@bea.gov; Telephone: (202) 606-5577; FAX: (202) 606-5319.

**PENALTIES** – See page 2 for details.

**MANDATORY** – This survey is being conducted pursuant to the International Investment and Trade in Services Survey Act (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101–3108, as amended – hereinafter "the Act"), and the filing of reports is mandatory pursuant to Section 5(b)(2) of the Act (22 U.S.C. 3104).

**CONFIDENTIALITY** – The Act provides that your report to this Bureau is CONFIDENTIAL and may be used only for analytical or statistical purposes. Without your prior written permission, the information filed in your report CANNOT be presented in a manner that allows it to be individually identified. Your report CANNOT be used for purposes of taxation, investigation, or regulation. Copies retained in your files are immune from legal process.

PERSON TO CONSULT CONCERNING QUESTIONS ABOUT THIS REPORT — Enter name and address

Name 10000

Address 10290

10300

TELEPHONE NUMBER 10010

Area code Number Extension

FAX NUMBER 09990

Area code Number

2. This U.S. business enterprise is exempt from filing a Form BE-15(LF), BE-15(SF), or BE-15(EZ) because:

(a) 01101

This U.S. business enterprise was not a U.S. affiliate of a foreign person at any time during calendar year 2004 but had been a U.S. affiliate of a foreign person at some time during calendar year 2003.

Give date foreign ownership ceased or went below 10 percent.

7010

Month	Day	Year
1		

(b) 01121

This U.S. business enterprise was a U.S. affiliate of a foreign person during its fiscal year that ended in calendar year 2004 but is fully consolidated into the BE-15 report for another U.S. affiliate — In the lines below, give name, address, and BEA Identification Number of the consolidated U.S. affiliate that is reporting to BEA:

Name

01200

Street or P.O. Box

01300

City and State

01400

ZIP Code

01500

BEA Identification Number

70110

(c) 01701

This U.S. business enterprise was a U.S. affiliate of a foreign person at some time during calendar year 2004 but ceased to be a U.S. affiliate before the end of its fiscal year that ended in calendar year 2004.

Give date foreign ownership ceased or went below 10 percent.

7012

Month	Day	Year
1		

(d) 01801

This U.S. business enterprise is a U.S. affiliate of a foreign person, but it became a U.S. affiliate after the end of the U.S. business enterprise's fiscal year that ended in calendar year 2004, or if a newly formed company, its first fiscal year did not or will not end until after the end of calendar year 2004. Complete items (1) and (2) below.

(1) Give date when the U.S. business enterprise became a U.S. affiliate of a foreign person.

7013

Month	Day	Year
1		

Note that a Form BE-13 should have been filed to reflect the acquisition. Forms can be found at: [www.bea.gov/bea/surveys/fdiusurv.htm](http://www.bea.gov/bea/surveys/fdiusurv.htm)

(2) Give the ending date of the U.S. business enterprise's fiscal year that ended in calendar year 2004. If a newly formed company give the ending date of the U.S. business enterprise's first fiscal year. NOTE: For a newly formed company this must be a date in calendar year 2005.

7014

Month	Day	Year
1		

(e) 01901

Other – Specify and include reference to section of regulations or instructions on which claim is based.

70150

**Response required** – Section 806.4 of 15 CFR, Chapter VIII, requires that all persons subject to the reporting requirements of the BE-15 Survey respond, whether or not they are contacted by BEA. It also requires that persons who are contacted by BEA about reporting in this survey, must respond in writing. They may respond by:

- certifying in writing, by May 31, 2005 to the fact that the person had no direct investment within the purview of the reporting requirements of the BE-15 survey;
- completing and returning the Form BE-15 Supplement C – Claim for Exemption From Filing Form BE-15(LF), BE-15(SF), or BE-15(EZ), by May 31, 2005; or
- filing the properly completed Form BE-15(LF), BE-15(SF), or BE-15(EZ) by May 31, 2005, as required.

They may also respond using BEA's Automated Survey Transmission and Retrieval (ASTAR) system. See our web site at [www.bea.gov/astar/](http://www.bea.gov/astar/) for details.

If this claim for exemption is disallowed, the original due date of the BE-15 report remains in force.

**Penalties** – Whoever fails to report shall be subject to a civil penalty of not less than \$2,500, and not more than \$25,000, and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee, or agent of any corporation who knowingly participates in such violations, upon conviction, may be punished by a like fine, imprisonment or both. (22 U.S.C. 3105)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. The control number for this survey is at the top of page 1 of the form.

**Note** – 18 U.S.C. 1001 (Crimes and Criminal Procedure) makes it a criminal offense to make a willfully false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

DEFINITIONS OF KEY TERMS

**Affiliate** means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting securities for an incorporated business enterprise or an equivalent interest for an unincorporated business enterprise, including a branch.

**Direct investment** means the ownership or control, directly or indirectly, by one person of 10 per centum or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.

**U.S. affiliate** means an affiliate located in the United States in which a foreign person has a direct investment.

**Foreign parent** means the foreign person, or the first person outside the United States in a foreign chain of ownership, which has direct investment in a U.S. business enterprise, including a branch.

**Ultimate beneficial owner (UBO)** is that person, proceeding up the ownership chain beginning with and including the foreign parent, that is not more than 50 percent owned or controlled by another person.

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